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and HECTOR VAZQUEZ

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

JENNIE QUAN, individually and as
successor in interest to BENJAMIN
CHIN, deceased.

Plaintiff.

V.

COUNTY OF LOS ANGELES;
MARISOL BARAJAS; HECTOR
VAZQUEZ; and DOES 3-10, inclusive.

Defendants

Case No. 2:24-cv-04805-MCS(KSx)

DEFENDANTS' EVIDENTIARY OBJECTIONS TO PLAINTIFF'S STATEMENT OF ADDITIONAL UNCONTROVERTED FACTS

[Filed Concurrently with: 1) Defendants' Reply to Plaintiff's Opposition; 2) Defendants' Response to Plaintiff's Statement of Additional Uncontroverted Facts; 3) Defendants' Response to Plaintiff's Statement of Genuine Disputes]

[Assigned to Hon. Mark C. Scars, Courtroom "7C"]

TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendants COUNTY OF LOS ANGELES, MARISOL BARAJAS AND
HECTOR VAZQUEZ (collectively, “Defendants”) hereby submit their evidentiary
objections to Plaintiff’s Statement of Additional Uncontested Facts.

111

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1	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	<u>The Deputies Receive a Call for Service</u>		
5	94. Vazquez received a call for service regarding a male Asian, wearing a bullet proof vest, walking down the street with an assault-style rifle, and firing off rounds.	94.	
10	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 52:12-18.		
11	95. Vazquez had information that the shots had been fired in the air.	95.	
14	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 41:13-17.		
16	96. Vazquez also had information that someone had been stabbed but he did not know the severity of it.	96. Lacks foundation and calls for speculation- FRE 602; 701.	
19	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 41:18-25.		
21	97. The only information that was transmitted over the radio that related the stabbing victim to the incident was that the victim was in the area where the person with the gun was.	97. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
26	<i>Evidence:</i> Ex. 13 to Le Decl., Toves Dep. 20:1-16.		
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1	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
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5	98. Barajas started to panic when she heard the priority call. <i>Evidence:</i> Barajas Dep. 41:8- 12.	98. Relevance – FRE 401	
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10	99. When Barajas heard that there was a stabbing victim and shots had been fired, she became extremely nervous and started to panic. Barajas Dep. 47:16-19.	99. Lacks foundation - FRE 602 Misstates testimony - FRE 403. This evidence refers to Deputy Barajas <i>recalling</i> a statement she made about becoming extremely nervous and starting to panic. Relevance – FRE 401	
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20	100. Neither Vazquez nor Barajas had ever seen Chin before the day of the incident. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 77:8-10; Barajas Dep. 58:22-24.	100. Relevance – FRE 401	
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25	101. Neither Vazquez nor Barajas had any information regarding Chin's background, including any criminal history or any information as to	101. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE	
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1	Moving Party's 2 Uncontroverted Facts and 3 Supporting Evidence	Opposing Party's 4 Objections	Court's Ruling
5	whether Chin was under the influence of drugs or alcohol. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 77:11-13, 77:14- 19; Barajas Dep. 58:25-59:2.	401 Vague and ambiguous as to “any information” – FRE 403	
The Deputies Encounter Decedent			
10	102. When Vazquez encountered an Asian female, later identified as Plaintiff Jennie Quan, Vazquez saw blood on Plaintiff's hands but did not know the source of the blood. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 42:14-43:5.	102. Relevance – FRE 401	
11	103. When Vazquez was talking to Plaintiff, he could not tell whether or not she had been stabbed—he just saw blood. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 59:21-25.	103. Relevance – FRE 401	
12	104. Vazquez did not ask Plaintiff if she needed medical attention nor did he call medical attention for her. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 43:9-13.	104. Relevance – FRE 401	

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1	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
2	105. Plaintiff told Vazquez “Don’t hurt him” and “Don’t shoot him” a few times. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 42:1-11.	105. Relevance – FRE 401	
3	106. At around the time Plaintiff told Vazquez, “Don’t hurt him” or “Don’t shoot him,” Vazquez saw Chin. <i>Evidence:</i> Vazquez 43:14-18.	106. Relevance – FRE 401 Vague as to time – FRE 403	
4	107. Vazquez first saw Chin in Crooked Creek, facing houses, and there did not appear to be any people around. <i>Evidence:</i> Vazquez 24:11-15, 61:20-21.	107. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
5	108. Vazquez observed that Chin was wearing a vest and had a rifle slung over his right side. <i>Evidence:</i> Vazquez 24:23-25:1.	108.	
6	109. Vazquez decided to get his County-issued patrol shotgun. <i>Evidence:</i> Vazquez 15:5-12, 43:19-21.	109.	
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1	Moving Party's 2 Uncontroverted Facts and 3 Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	110. Vazquez's shotgun is a 5 pump shotgun that requires the 6 user to pump the shotgun to 7 eject a casing and load the next round.	110. Relevance – FRE 401	
8	<i>Evidence:</i> Ex. 1 to Le Decl., 9 Vazquez Dep. 66:2-11.		
10	111. A casing is ejected from 11 the shotgun after a shot has 12 occurred, in order to load the next round.	111. Relevance – FRE 401	
13	<i>Evidence:</i> Ex. 1 to Le Decl., 14 Vazquez Dep. 66:12-67:1.		
15	112. Vazquez then observed 16 Chin walk eastbound towards 17 Diamond Bar Boulevard. <i>Evidence:</i> Vazquez 25:13-26:6.	112.	
19	113. Chin walked 20 approximately half a block 21 with the rifle slung over his right side the entire time before 22 he got to Diamond Bar Boulevard. <i>Evidence:</i> Vazquez 26:16-22.	113. Vague as to time – FRE 403	
24	114. When Chin reached 25 Diamond Bar Boulevard, he 26 made a turn and proceeded northbound <i>Evidence:</i> Vazquez 26:10-15.	114.	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
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1	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 30:5-22.		
6	119. Vazquez told Bronowicki to pull up with his vehicle so that he could continue to provide cover to Vazquez and Bronowicki complied.	119. Relevance – FRE 401	
10	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 62:24-63:7.		
12	120. One of the reasons Vazquez wanted the other deputy to bring the car up was to provide Vazquez with cover.	120. Relevance – FRE 401	
16	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 48:2-5.		
17	121. Vazquez then left cover ran on foot away from Bronowicki's vehicle, towards the north sidewalk of Crooked Creek.	121. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
21	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 63:8-12.		
24	122. Barajas was driving southbound on Diamond Bar Boulevard before she saw Chin and stopped her car and got out when she saw him.	122.	
28	<i>Evidence:</i> Ex. 10 to Le Decl.,		

1	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
2	Barajas Dep. 22:20-23.		
3	123. Chin was walking northbound on the southbound lane of Diamond Bar Boulevard. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 20:2-16.	123.	
4	124. Chin was in the number one southbound lane on Diamond Bar Boulevard when Barajas encountered him. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 20:2-6, 50:25-51:1.	124.	
5	125. Barajas stopped her vehicle in the number two lane of the three southbound lanes of Diamond Bar Boulevard. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 51:3-8; Ex. 2 to Le Decl., Vazquez BWC at 5:19.	125.	
6	126. Barajas experienced additional panic when she saw Chin. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 42:19-21.	126. Vague and ambiguous – FRE 403	
7	127. Barajas observed a firearm in a slung manner on Chin's right side.	127.	
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1	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 36:20-22.		
5	128. Barajas observed that the barrel of the gun on Chin was pointed down. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 36:23-37:2.	128. Lacks foundation and calls for speculation- FRE 602; 701. Misstates testimony - FRE 403. This evidence refers to Deputy Barajas <i>recalling</i> a statement she made about the barrel of the Decedent's weapon being pointed down. Relevance – FRE 401 Vague as to time – FRE 403	
19	129. Barajas claims she exited her vehicle as soon as she saw Chin. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 22:3-6.	129.	
24	130. There is no cross street near where Barajas got out; it was just a long street. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 22:22-23:6.	130. Relevance – FRE 401	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
131.	Barajas started to panic as Chin began walking in her direction. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 47:9-11.	131. Lacks foundation - FRE 602 Misstates testimony - FRE 403. This evidence refers to Deputy Barajas <i>recalling</i> a statement she made about becoming extremely nervous and starting to panic. Relevance – FRE 401	
132.	Chin had a blank stare on his face. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 59:6-8.	132. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to “blank stare”– FRE 403	
<u>The Deputies Use Excessive and Unreasonable Deadly Force Against Decedent</u>			
133.	Barajas fired the first shot. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 27:16-18, 56:7-12.	133.	
134.	Chin was walking northbound on Diamond Bar	134.	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
1	Boulevard at the time of the first shot.		
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6	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 28:7- 12.		
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8	135. Barajas was positioned behind her driver's side door when she fired her first shot.	135.	
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11	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 23:17-23.		
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15	136. Chin was approximately 20 to 25 feet from Barajas's patrol vehicle when she fired her first shot.	136. Lacks foundation and calls for speculation- FRE 602; 701.	
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17	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:04-11:45:06.		
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21	137. Barajas was aiming towards Chin's waistline when she fired her first shot because she was trying to aim at a part that was not covered by the vest he was wearing.	137. Relevance – FRE 403	
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23	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 26:15-27:12.		
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26	138. The gun on Chin was pointed down when Barajas fired her first shot.	138. Lacks foundation - FRE 602;	
27	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 37:3-5.	Relevance – FRE 401	
28		Vague as to	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4		“pointed down” – FRE 403.	
5	139. Vazquez conceded that based on his training, he could not shoot Chin for walking away at the time he heard the first shot because there was not enough to justify the use of deadly force as Chin had only fired rounds in the air and Vazquez did not know the extent of the assault Chin had previously committed. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 28:17-29:25.	139. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
15	140. Vazquez thought Chin possibly had been struck by the first shot but was not sure. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 22:24-23:1.	140. Calls for speculation- FRE 701.	
19	141. Vazquez observed Chin flinch by bending forward slightly before coming back up at the time of the first shot. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 22:4-21.	141.	
25	142. Other than a few cars on Diamond Bar, there was nobody outside. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 62:17-19.	142. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE	

1	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4		401	
5		Vague as to time – FRE 403	
6	143. After Barajas' first shot, she started panicking even more. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 48:10-16.	143. Lacks foundation - FRE 602 Misstates testimony - FRE 403. This evidence refers to Deputy Barajas <i>recalling</i> a statement she made about becoming panicking after her first shot. Relevance – FRE 401	
14	144. Chin's right arm was positioned at an angle with his upper arm angling towards his back, his elbow behind his back, and his forearm angling toward his front the entire time he was walking down Diamond Bar Boulevard. <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:44:49- 11:45:10; Ex 3 to Le Decl., Vazquez Dep. Ex. 1 Screenshot; Ex. 4 to Le Decl., Vazquez Dep. Ex. 2 Screenshot; Ex. 5 to Le Decl., Vazquez Dep. Ex. 3 Screenshot; Ex. 6 to Le Decl., Vazquez Dep. Ex. 4	144. Lacks foundation - FRE 602; Vague and ambiguous – FRE 403	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
1	Screenshot.		
2	145. Approximately six seconds after Barajas' first shot, Vazquez discharged his shotgun at Chin.	145.	
3	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:03-11:45:11; Ex. 11 to Le Decl., Barajas BWC at 11:45:04-11:45:10.		
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5	146. After Barajas's first shot, Chin took four small, slow steps forward before Vazquez's first shot, followed immediately by Barajas's second shot.	146. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
6	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:03-11:45:12.		
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8	147. Vazquez was 30 to 40 feet from Chin at the time he fired.	147. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
9	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 16:11-13.		
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12	148. At the time of Vazquez's first shot, Chin was facing northbound.	148. Lacks foundation – FRE 602 Relevance – FRE	
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	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 32:4-7; Ex. 2 to Le Decl., Vazquez BWC at 11:45:10.	401 Vague as to time – FRE 403	
7	149. Vazquez could tell that his first shot struck the middle left, rear area of Chin's vest. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 31:2-6, 31:16-32:3.	149. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401	
12	150. When Vazquez fired his first shot, he was aiming at the left side of Chin's torso. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 18:10-15.	150. Relevance – FRE 401 Compound – FRE 403.	
17	151. Vazquez was able to see Chin's back at the time of Vazquez's first shot. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 19:19-21; Ex. 2 to Le Decl., Vazquez BWC at 11:45:10.	151. Relevance – FRE 401	
23	152. At the time of Vazquez's first shot, Chin was facing northbound and Vazquez was firing in a slightly northeast direction <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 19:4-13; Ex. 2 to Le Decl., Vazquez BWC at	152. Lacks foundation - FRE 602 Relevance – FRE 401 Vague and ambiguous – FRE 403	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
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5	11:45:10.		
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10	153. Chin's right arm did not change positions from when he started walking northbound on Diamond Bar Boulevard to the time of Vazquez's first shot. <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:44:49-11:45:11; Ex. 3 to Le Decl., Vasquez Dep. Ex. 1 Screenshot; Ex. 4 to Le Decl., Vasquez Dep. Ex. 2 Screenshot; Ex. 5 to Le Decl., Vasquez Dep. Ex. 3 Screenshot Dep.; Ex. 6 to Le Decl., Vasquez Dep. Ex. 4 Screenshot.	153. Lacks foundation and calls for speculation- FRE 602; 701 Relevance – FRE 401 Vague as to time – FRE 403	11
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28	154. Barajas fired an additional shot immediately after Vazquez's first shot. <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:9-11:45:12; Ex. 11 to Le Decl., Barajas BWC at 11:45:10-11:45:13.	154. Relevance – FRE 401 Vague as to time – FRE 403	20
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	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
1	2	3	4
5	11:45:13.		
6	7	8	9
10	156. Barajas fired a third shot approximately two seconds after her second shot. <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:10-11:45:14; Ex. 11 to Le Decl., Barajas BWC at 11:45:10-11:45:15.	156. Relevance – FRE 401 Vague as to time – FRE 403	11
12	13	14	15
16	157. The gun on Chin was pointed down when Barajas fired additional shots. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 37:6-8.	157. Lacks foundation - FRE 602 Relevance – FRE 401 Vague as to time – FRE 403	17
18	19	20	21
22	23	24	25
26	27	28	
158. At all times while Barajas and Vazquez were on scene, Chin never pointed the firearm at anyone. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 38:2-6.	158. Lacks foundation - FRE 602 Relevance – FRE 401 Vague as to time – FRE 403		
159. At all times while Barajas and Vazquez were on scene, Chin never raised the firearm towards anyone. <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:44:57-11:45:16; Ex. 10 to Le Decl., Barajas Dep. 38:7-9.	159. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time –		

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
1		FRE 403	
2	160. Barajas never saw Chin holding the firearm with both hands.	160. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
3	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 38:10-13.		
4			
5	161. At all times while Barajas and Vazquez were on scene, Chin never manipulated the firearm.	161. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
6	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 36:13-15.		
7			
8	162. The gun was within reach of Chin but Barajas never saw Chin touch the gun.	162. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
9	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 59:9-14.		
10			
11	163. Barajas never heard Chin say anything.	163. Calls for speculation- FRE 701. Relevance – FRE	
12	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 35:24-36:1.		
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1	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4		401	
5		Vague as to time – FRE 403	
6			
7	164. Vazquez never heard Chin say anything at any time. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 40:12-14.	164. Calls for speculation- FRE 701. Relevance – FRE 401 Vague as to time – FRE 403	
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13	165. Barajas could tell that other shots were coming from her right side and she knew that there was another deputy positioned to her right. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 28:19-29:15.	165. Relevance – FRE 401 Vague and ambiguous – FRE 403	
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19	166. Barajas saw Chin react to the gunshots in between Barajas' shots and Deputy Vazquez's shot. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 31:14-32:1.	166. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague and ambiguous – FRE 403	
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26	167. Barajas observed Chin's posture bend slightly forward and he was no longer upright.	167. Relevance – FRE 401 Vague and	
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	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	5 6 7 8 <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 32:2-9; Ex. 2 to Le Decl., Vazquez BWC at 11:45:11-11:45:15; Ex. 11 to Le Decl., Barajas BWC at 11:45:11-11:45-17.	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 ambiguously – FRE 403	
9	10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 168. Chin was going to the ground in a slow manner. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 40:22-24; Ex. 2 to Le Decl., Vazquez BWC at 11:45:11-11:45:15; Ex. 11 to Le Decl., Barajas BWC at 11:45:11-11:45-17.	168. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague and ambiguous – FRE 403	
16	17 18 19 20 21 22 23 24 25 26 27 28 169. Barajas recalls observing shot(s) fired after Chin's posture bent slightly forward. <i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 32:10-17; Ex. 2 to Le Decl., Vazquez BWC at 11:45:14-11:45:16; Ex. 11 to Le Decl., Barajas BWC at 11:45:14-11:45:16.	169. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
24	25 26 27 28 170. Barajas never gave Chin commands to stop walking, to not advance towards her or the other vehicle on the road, or to get down on the ground. <i>Evidence:</i> Ex. 11 to Le Decl., Barajas BWC at 11:44:25-	170. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401	

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1	2	3	4
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	11:45:18.	Vague as to time – FRE 403	
	171. Barajas never gave Chin a warning that she was prepared to use deadly force if Chin did not comply with her commands before any of her shots. <i>Evidence:</i> Ex. 11 to Le Decl., Barajas BWC at 11:44:25-11:45:18.	171. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
	172. Chin was facing northbound and was not rotating towards Vazquez at the time of Vazquez's second shot. <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:13-11:45:16; Ex. 7 to LE Decl., Vazquez Dep. Ex. 5 Screenshot; Ex. 8 to Le Decl., Vazquez Dep. Ex. 6 Screenshot; Ex. 9 to Le Decl., Vazquez Dep. Ex. 7 Screenshot; Ex. 11 to Le Decl., Barajas BWC at 11:45:13-11:45:17; Ex. 12 to Le Decl., Barajas Dep. Ex. 13 Screenshot.	172. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague and ambiguous– FRE 403	
	173. Vazquez fired his second shot approximately five	173. Relevance – FRE 401 Vague as to time –	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	seconds after he fired his first shot.	FRE 403	
6	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:09-11:45:16.		
8	174. At the time Vazquez fired from his shotgun, he did not have any cover.	174.	
11	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 44:16-21.		
13	175. The fact that Vazquez did not have cover was a factor in his decision to fire his second shot.	175. Relevance – FRE 401 Vague as to time – FRE 403	
16	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 44:25-45:12.		
18	176. Chin went to the ground soon after Vazquez's second shot.	176. Relevance – FRE 401 Vague as to time – FRE 403	
21	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 41:2-5.		
22	177. After Vazquez's second shot, Chin fell onto his back, with his face looking upwards towards the sky.	177. Relevance – FRE 401 Vague as to time – FRE 403	
26	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:14-11:45:30.		

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
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	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
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	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
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	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	situation play out and try to deescalate the situation further.	403	
6	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 45:15-46:4.		
8	189. Chin sustained gunshot wounds to the front of his body just above his pubic region and lower back.	189. Relevance – FRE 401 Vague and ambiguous – FRE 403	
11	<i>Evidence:</i> Ex. 14 to Le Decl., Gliniecki Dep. 7:5-15, 7:21-25, 10:13-17.		
14	190. The gunshot wound to the front of the Chin's body above his pubic region had a trajectory of left to right, front to back, and downwards.	190. Calls for speculation- FRE 602 Relevance – FRE 401 Vague as to time – FRE 403	
17	<i>Evidence:</i> Ex. 14 to Le Decl., Gliniecki Dep. 8:12-15.		
20	191. The gunshot wound to the lower back, which was close to the middle of the back, had a trajectory of left to right, back to front, and 45-degree angle upwards.	191. Calls for speculation- FRE 602 Relevance – FRE 401 Vague as to time – FRE 403	
23	<i>Evidence:</i> Ex. 14 to Le Decl., Gliniecki Dep. 10:13-11:6, 12:12-21		
27	192. The trajectory of the gunshot wound to the middle	192. Calls for speculation- FRE	
28			

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	of the lower back is consistent 5 Chin being bent forward at the 6 waist and the shooter at Chin's 7 back. <i>Evidence:</i> Ex. 14 to Le Decl., 8 Gliniecki Dep. 12:22-13:4.	602 Relevance – FRE 401 Vague as to time – FRE 403	
9	193. The gunshot wound that 10 entered the middle of the lower 11 back was determined to be fatal. <i>Evidence:</i> Ex. 14 to Le Decl., 12 Gliniecki Dep. 13:5-10, 14:1-4.	193. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403	
16	<u>The Deputies' Use of Deadly Force Against Decedent Violated Standard Police Practices and Training</u>		
18	194. Officers are trained that 19 there must be objective factors 20 to justify an immediate threat 21 and that a simple statement by 22 an officer that he or she fears for his or her safety or the safety of others is insufficient. <i>Evidence:</i> Noble Decl. ¶ 12.	194. Vague and ambiguous – FRE 403	
24	195. Officers are trained that 25 to use deadly force, the threat 26 of death or serious bodily 27 injury must be immediate or imminent. <i>Evidence:</i> Noble Decl. ¶ 13; Ex.	195. Vague and ambiguous – FRE 403	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
1 to Le Decl. Vazquez Dep. 50:12-16.		
196. Officers are trained that a threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances known to the officer, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause serious bodily injury to the peace officer or another person. <i>Evidence:</i> Noble Decl. ¶ 13; Ex. 1 to Le Decl., Vazquez Dep. 51:17-22.	196. Vague and ambiguous – FRE 403	
197. Officers are trained that an imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but one that, from appearances, must be instantly confronted and addressed. <i>Evidence:</i> Noble Decl. ¶ 13.	197. Vague and ambiguous – FRE 403	
198. Officers are trained to control their emotions and to not panic when encountering situations similar this incident.	198. Vague and ambiguous – FRE 403	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	<i>Evidence:</i> Noble Decl. ¶ 15.	Lacks foundation – FRE 701	
5	199. Officers are trained that their subjective fear cannot be a justification for the use of deadly force and that there must be objective facts that show that the subject posed an immediate or imminent threat of death or serious bodily injury at the time of the use of deadly force.	199. Vague and ambiguous – FRE 403 Lacks foundation – FRE 701	
12	<i>Evidence:</i> Noble Decl. ¶ 15; Ex. 1 to Le Decl., Vazquez Dep. 67:2-4.		
15	200. Officers are trained that an overreaction in using force is excessive force.	200. Vague and ambiguous – FRE 403 Lacks foundation – FRE 701	
18	<i>Evidence:</i> Noble Decl. ¶ 15.		
19	201. Officers are trained that deadly force is a last resort that should only be used in an immediate defense of life situation and when no other reasonable alternatives are available.	201. Vague and ambiguous – FRE 403	
24	<i>Evidence:</i> Noble Decl. ¶ 17; Ex. 1 to Le Decl., Vazquez Dep. 50:20-23.		
27	202. Officers are trained that they cannot shoot a person who they suspect or believe to have	202. Vague and ambiguous – FRE 403	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
1	2 committed a violent felony simply for fleeing, unless the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.	3	4
5	6	7	8
9	Evidence: Noble Decl. ¶ 16.	10	11
12	13	14	15
16	17	18	19
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24	25	26	27
28	29	30	31

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	factor in his decision to shoot at Mr. Chin. <i>Evidence:</i> Noble Decl. ¶ 19.	403	
7	205. Deputy Barajas's first shot at Mr. Chin violated standard police practices and training and a reasonably trained officer in Deputy Barajas's position would not have believed that Mr. Chin posed an immediate or imminent threat of death or serious bodily injury at the time of Deputy Barajas's first shot and would not have shot at all. <i>Evidence:</i> Noble Decl. ¶ 20.	205. Lacks foundation and calls for speculation- FRE 602; 701. Misstates evidence – FRE 403 Vague as to time; vague and ambiguous – FRE 403	
18	206. Detective Vazquez's first shot at Mr. Chin violated standard police practices and training and a reasonably trained officer in Detective Vazquez's position, acting pursuant to standard police practices and training, would have been aware of Mr. Chin's body and arm positioning throughout the encounter and would not have believed that Mr. Chin posed an immediate threat of death or serious bodily injury at the time of	206. Lacks foundation and calls for speculation- FRE 602; 701. Misstates evidence – FRE 403 Vague as to time; vague and ambiguous – FRE 403	

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	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	Detective Vazquez's first shot and would not have shot at all. <i>Evidence:</i> Noble Decl. ¶ 21.		
7	207. Approximately six seconds elapsed between Deputy Barajas's first shot and Detective Vazquez's first shot, which is sufficient time for Detective Vazquez to evaluate to situation and see that Mr. Chin was not making any threatening or furtive movement prior to Detective Vazquez's first shot. <i>Evidence:</i> Noble Decl. ¶ 21.	207. Lacks foundation and calls for speculation- FRE 602; 701. Misstates testimony – FRE 403 Vague as to time; vague and ambiguous – FRE 403	
16	208. Deputy Barajas fired her second shot approximately seven seconds after her first shot, which is sufficient time for Deputy Barajas to reevaluate the situation. <i>Evidence:</i> Noble Decl. ¶ 22.	208. Lacks foundation and calls for speculation- FRE 602; 701. Misstates testimony – FRE 403 Vague as to time; vague and ambiguous – FRE 403	
24	209. Deputy Barajas's second shot at Mr. Chin violated standard police practices and training and a reasonably trained officer in Deputy Barajas's position would not have believed that Mr. Chin	209. Lacks foundation and calls for speculation- FRE 602; 701. Assumes facts – FRE 602	

1 2 3	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4 5 6 7 8 9	<p>posed an immediate or imminent threat of death or serious bodily injury at the time of Deputy Barajas's second shot and would not have shot at all.</p> <p><i>Evidence:</i> Noble Decl. ¶ 22.</p>	<p>Misstates testimony – FRE 403</p> <p>Vague as to time; vague and ambiguous – FRE 403</p>	
10 11 12 13 14 15 16 17	<p>210. Deputy Barajas fired her third shot approximately two seconds after her second shot, which is sufficient time to allow Deputy Barajas to reevaluate the situation.</p> <p><i>Evidence:</i> Noble Decl. ¶ 23.</p>	<p>210. Lacks foundation and calls for speculation- FRE 602; 701.</p> <p>Assumes facts – FRE 602</p> <p>Vague as to time; vague and ambiguous – FRE 403</p>	
18 19 20 21 22 23 24 25 26 27 28	<p>211. Deputy Barajas's third shot at Mr. Chin violated standard police practices and training and a reasonably trained officer in Deputy Barajas's position would not have believed that Mr. Chin posed an immediate or imminent threat of death or serious bodily injury at the time of Deputy Barajas's third shot and would not have shot at all.</p> <p><i>Evidence:</i> Noble Decl. ¶ 23.</p>	<p>211. Lacks foundation and calls for speculation- FRE 602; 701.</p> <p>Assumes facts – FRE 602</p> <p>Misstates evidence – FRE 403</p> <p>Vague as to time; vague and ambiguous – FRE 403</p>	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
1	212. Detective Vazquez's second shot violated standard police practices and training and a reasonably trained officer in Detective Vazquez's position, acting pursuant to standard police practices and training, would not have believed that Mr. Chin posed an immediate threat of death or serious bodily injury at the time of Detective Vazquez's second shot and would not have shot at all, particularly since Mr. Chin had already been shot, was bent over at the waist, and was not holding the firearm or turned towards Detective Vazquez (as can be seen in the videos).	212. Lacks foundation and calls for speculation- FRE 602; 701. Assumes facts – FRE 602 Misstates evidence – FRE 403 Vague as to time; vague and ambiguous – FRE 403	
18	<i>Evidence:</i> Noble Decl. ¶ 24.		
23	213. Police officers are trained that they should give a warning that they are prepared to use deadly force, when feasible. <i>Evidence:</i> Noble Decl. ¶ 25; Ex. 1 to Le Decl., Vazquez Dep. 50:17-19.	213. Lacks foundation and calls for speculation- FRE 602; 701. Vague as to time; vague and ambiguous – FRE 403	
28	214. Detective Vazquez and Deputy Barajas violated standard police practices and training when they failed to give Mr. Chin a warning that	214. Lacks foundation and calls for speculation- FRE 602; 701.	

	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
4	5 they were prepared to use deadly force despite it being feasible to do so. 6 <i>Evidence:</i> Noble Decl. ¶ 25.	7 Assumes facts – FRE 602 8 Misstates evidence – FRE 403 9 Vague as to time; vague and ambiguous – FRE 403	10
11	12 215. The deputies had other reasonable alternatives available to them to take Mr. Chin into custody at the time of the shooting. 13 <i>Evidence:</i> Noble Decl. ¶ 26.	14 215. Lacks foundation and calls for speculation- FRE 602; 701. 15 Assumes facts – FRE 602 16 Misstates evidence – FRE 403 17 Vague as to time; vague and ambiguous – FRE 403	18
21	22 216. The deputies had the time and opportunity to deescalate further by setting up a perimeter, as other units were on scene and on their way, and could have utilized less-lethal force, such as the 40mm, the beanbag shotgun, or the Taser in order to gain compliance. 23 <i>Evidence:</i> Noble Decl. ¶ 26.	24 216. Lacks foundation and calls for speculation- FRE 602; 701. 25 Assumes facts – FRE 602 26 Misstates evidence – FRE 403 27 Vague as to time;	28

1	Moving Party's 2 Uncontroverted Facts and 3 Supporting Evidence	Opposing Party's Objections	Court's Ruling
4		vague and 5 ambiguous – FRE 6 403	

7 DATED: October 20, 2025

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